

ORDINANCE NO. 1922

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADDING A NEW SECTION 1.12.020 ADOPTING STATE TRAFFIC VIOLATIONS AND WEIGHT RESTRICTIONS AS VIOLATIONS OF THE MILWAUKIE MUNICIPAL CODE AND ESTABLISHING FINES FOR VIOLATIONS OF THE PROVISIONS

WHEREAS, the City Council of the City of Milwaukie recognizes that two major policies underlying the State traffic codes and administrative rules requiring limits on vehicle weights are ensuring the safety of the public and preserving the investment in the public infrastructure; and

WHEREAS, major regional and State traffic routes flow through the City, and those routes generate traffic through City neighborhoods; and

WHEREAS, the said major traffic routes generate truck, bus, and other vehicular traffic, placing a great demand on the local infrastructure; and

WHEREAS, the City Council of the City of Milwaukie recognizes the interest of the City in ensuring both the safety of its citizens and the driving public; and

WHEREAS, the City Council of the City of Milwaukie recognizes the interest of the City in ensuring the protection of the public's investment in the transportation infrastructure; and

WHEREAS, ORS 221.410 provides that "[e]xcept as limited by express provision or necessary implication of general law, a city may take all action necessary or convenient for the government of its local affairs;" and

WHEREAS, Chapter II, Section 4, Milwaukie Charter of 1975 grants to the City "all powers which the constitutions, statutes, and the common law of the United States and of this state now or hereafter expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers;" and

WHEREAS, local enforcement of all aspects of the traffic system will ensure that the City can better serve to satisfy the dual interests of protecting the public safety and investment in the public infrastructure; and

WHEREAS, a minimum fine or deterrent will create a greater deterrent to code violations.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.12.020 of the Milwaukie Municipal Code is added to read as follows:

1.12.020 Traffic Violations

- A. Violation of Oregon Revised Statutes, 2001 Edition, Chapters 153 and 801 through 826 is a violation of this code and an offense against the city.
- B. Any person violating subsection A of this section shall be subject to a fine as set forth in Oregon Revised Statutes, 2001 Edition, Chapters 153 and 801 through 826. In all cases in which a violation is found, the fine or penalty imposed must be at least fifty (50) per cent of the maximum penalty or fine, exclusive of all costs and assessments.
- C. Violation of Oregon Administrative Rule 740-100-0010 is a violation of this code and an offense against the city.
- D. Any person violating any provision of subsection C of this section shall be subject to a fine as set forth in Oregon Administrative Rule 740-100-0010. In all cases in which a violation is found, the fine or penalty imposed must be at least fifty (50) percent of the maximum penalty or fine, exclusive of all costs and assessments.

Read the first time on May 20, 2003, and moved to second reading by 3-0 vote of the City Council.

Read the second time and adopted by the Council on May 20, 2003.

Signed by the Mayor on May 20, 2003.


James Bernard, Mayor

ATTEST:

Pat Duval

Pat Duval, City Recorder

APPROVED AS TO FORM:
RAMIS CREW CORRIGAN &
BACHRACH, LLP

Eric J. Bachrach
City Attorney

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